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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,013	11/21/2001	James E. Johanson	8945-25 (149194)	2419

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EXAMINER

LE, TAN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,013

Applicant(s)

JOHANSON ET AL.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 12, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This is the second office action for serial number 09/990,013. This action is in response to an amendment filed 3/10/03. Claims 1-20 are pending.
2. The IDS submitted on 3/10/03 has been considered.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,155,527 to Muyskens.

Regarding claims 1-2 and 15-16, Muyskens discloses a appliance base pad comprising: a frame (10) having four sides having outer peripheral edge portions of the base wherein the outer peripheral edge of each of the side of the frame is being recessed relative to the inner portions of the base; the recess of outer edge along at least one side creating a gap between the base and adjacent portions of an appliance supported thereon and permitting the outer peripheral edge of the base to deflect or bow upwards without engaging or damaging the adjacent portions of the appliance.

Regarding claim 3, Muyskens also discloses at least one socket (14) defining open ended wells in the frame for receipt and engagement of the feet of appliance.

Claims 1-7, 9, 11, 13-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,950,545 to Shuert.

Regarding claims 1-7, Shuert discloses a base (Fig. 1) comprising: a frame (10) having four sides having outer peripheral edge portions of the base, wherein the outer peripheral edge of each of the side of the frame is being recessed (18) relative to the inner portions of the base along the corresponding side creating a gap between the base and the adjacent portions of the above structure along each side thereof. Shuert also discloses a plurality of sockets (12) defining open-ended wells in the frame wherein, each of a socket comprises a plurality of flexible ribs (12i, 12c) projecting inwardly (12c) and outwardly (12i) vertically positioned from the internal side wall of the well; the ribs being adapted to deform in response to the engagement with the foot of the appliance upon insertion into the socket.

Claims 9, 11, 13 -17 and 19 recited limitations similar to those limitations as recited in claims 1-7, are therefore also disclosed by Shuert.

Allowable Subject Matter

4. Claims 12, 18 and 20 are objected to, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to independent claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 1-7 as being rejected under 35 USC 102 as being anticipated by Shuert have been fully considered but they are not persuasive. Examiner contends that Shuert discloses all the limitations substantially as claimed in claims 1-7, 9, 11 and 13-17. Applicant's argument that there is no disclosure

or suggestion in Shuert of mounting an appliance type object on the pallet 10. This argument is not found persuasive because: First, Applicant has not claimed "the foot" and the foot of the appliance is considered to be an intended use according to the preamble; Second, Shuert does not disclose or suggest the mounting of an appliance type object on the pallet, but Shuert does not prevent users from using an appliance on the pallet; Third, the ribs as claimed can be "adapted" in response to the engagement with any foot of heavy object upon insertion into the socket; Fourth, the device of Shuert is made out from plastic, the ribs also made out from plastic. As broadly interpreted by examiner, plastic is flexible. The rejection under 35 USC 102 (b) as being anticipated by Shuert is therefore, still maintained.

With regarding claims 1 and 15, It is the examiner's position that the language "permitting the outer peripheral edge of the base to deflect upwards or bow upwards" will depend upon the kind of material is being made as well as the load of the appliance type object is located against the pallet. As broadly interpreted by examiner, any support base can be deflectable if it is subject to heavy load or force acting against it.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is 703.305.8244. The Examiner can normally be reached on Tuesday through Thursday, 9:00-6:00 and alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for official communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.



Tan Le
Patent Examiner,
AU 3632
May 29, 2003.



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER